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COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

SECURITY COUNCIL
Fifty-first year

Letter dated 11 April 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea published on 10 April 1996.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under item 86 of the preliminary list, and of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

* A/51/50.

ANNEX

Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea - 10 April 1996

The United Nations is now at a historic juncture in reorienting itself to the post-cold-war era. In working out ways and means to meet the challenges of the future, the United Nations should not look away from the reality of the Korean peninsula, the only place where the cold war persists undiminished, but should rather settle a proper account with its past associated with the question of Korea.

The question of Korea is, in substance, a matter of Korea's reunification and of ensuring peace there. In recalling five decades of its activities, the Yearbook of the United Nations (special edition), recently published by the United Nations Secretariat, described the "election" staged in south Korea under United Nations "supervision" in 1948 and the military actions taken by the United Nations against the Democratic People's Republic of Korea in 1950 and the "achievements" of the United Nations, which is indeed a prejudice lacking impartiality and objectivity.

To help straighten out such a prejudice, the Ministry of Foreign Affairs of the Democratic People's Republic of Korea hereby issues the present memorandum.

I. THE UNITED NATIONS AND THE DIVISION OF KOREA

The United Nations was abused in dividing Korea. The Korean nation is a homogeneous nation which has lived with a single language and in a single territory for over 5,000 years. Korea is not a defeated nation of the Second World War.

For the sole reason that it was a colony of the Japanese imperialists, Korea was included in the operational zone of the Allied forces at the final stage of the Second World War, when the United States of America "persuaded" the then Soviet Union that "the United States forces should participate in disarming the Japanese forces stationed in Korea", and thereby divided Korea along the 38th parallel of north latitude "temporarily", placing the northern part of Korea under Soviet responsibility and the southern part under United States responsibility.

The Moscow Conference of Foreign Minsters of the Soviet Union, the United States and the United Kingdom of Great Britain and Northern Ireland, held in December 1945 after the defeat of the Japanese imperialists, adopted a decision to set up "a Korean democratic government" and, in order to assist its formation, to "establish a Joint Commission consisting of representatives of the United States command in southern Korea and the Soviet command in northern Korea". Thereafter, however, the United States insisted on the establishment of provisional legislatures separately in the north and the south of Korea before it finally brought the USSR/United States Joint Commission to the point of breakdown, and, in total disregard of the will of the Korean people to set up a

unified government by themselves, unilaterally brought the matter to the United Nations, which was under its influence at the time.

Led by the United States, the United Nations General Assembly put "The problem of the independence of Korea" on the agenda at its second session and adopted resolution 112 (II), calling for elections under the supervision of the "United Nations Temporary Commission on Korea". Pursuant to that resolution, Lieutenant General John Hodge, the commanding officer of the United States occupation forces, on 1 March 1948 issued a proclamation "that elections shall be held within the territory of this command" and forced a separate "election" on 10 May in the area south of the 38th parallel to install a pro-United States separatist regime.

It is in contravention of Articles 10 and 11 of the Charter of the United Nations on the mandate of the General Assembly, that the General Assembly, which was supposed to discuss only "questions relating to the maintenance of international peace and security", discussed the "problem of independence" of a country, or did not "refer to the Security Council" for its consideration "either before or after discussion" even if it regarded the question of Korea at that time as "relating to the maintenance of international peace and security".

General elections were held in August of that year, expressing the true will of the Korean people, with the participation of 85.2 per cent of all the Korean voters (99.97 per cent in the north and 77.52 per cent in the south), which resulted in the founding of the Democratic People's Republic of Korea on 9 September 1948. However, the United States engineered the adoption of resolution 195 (III) by the General Assembly at its third session in December of the same year, declaring that the "Republic of Korea" had the "jurisdiction" over the area south of the 38th parallel in which the separate election had been held. Thus, with the "help" of the United Nations, the division of Korea was institutionalized, and this was how the history of Korea's tragic national division began.

II. THE UNITED NATIONS AND THE KOREAN WAR

The United Nations was again abused with the outbreak of the Korean War. The forced division of the nation led to the build-up of tension and eventually to the conflict.

A number of different military provocations and armed intrusions into the area north of the 38th parallel had begun in 1947 and increased to as many as 2,517 incidents a year in 1949. The very paragraph 1 of Article 1, Chapter I, of the Charter on "adjustment or settlement of international disputes or situations which might lead to a breach of the peace", however, had never applied to the Korean peninsula, as a result of the tendency of the United Nations of the time to follow the United States and the symptom of the Security Council's functional paralysis, tied up as it was by the "vetoes" of its permanent members.

But then, on 13 January 1950, the representative of the Soviet Union, a permanent member of the Security Council, boycotted the Council meeting over the

representation of the "Republic of China", thus leaving the Soviet "veto power" in a vacuum until the end of July of that year. This cannot be construed as anything other than a prearranged scenario to ignite a full-scale war and to refer the "situation" to the Security Council at that time.

On 25 June, the Security Council met on the item entitled "Complaint of aggression upon the 'Republic of Korea'", brought up all of a sudden by the United States and "adopted", the same day, resolution 82 (1950), determining that "the armed attack on the Republic of Korea by forces from North Korea ... constitutes a breach of the peace". Two days later, on 27 June, the Security Council, on the same item, "adopted" resolution 83 (1950), recommending that the "Members of the United Nations" take immediate military steps; and on 7 July, 10 days later, "adopted" resolution 84 (1950), making the United Nations Members' forces "available to a unified command under the United States of America" recommending "the United States to designate the commander of such forces", and authorizing "the unified command at its discretion to use the United Nations flag".

Article 27, paragraph 3, of the Charter provides that the decisions of the Security Council on all matters except procedural ones require the "concurring votes" of the permanent members. The boycott of those Council meetings by the Soviet Union, a permanent member, can by no means be interpreted as a concurring vote. Furthermore, the fact that the Security Council hastily adopted those resolutions one after another without even inviting for its consideration the party against which the "complaint" had been lodged, not only constitutes a contravention of article 39 of the Council's provisional rules of procedure but reveals that it was a premeditated action.

The "steps" unjustly taken in that manner by the United Nations of the time under the strong-arm pressure of the United States did not help "halt the conflict and restore the peace" but instead brought on the most disastrous all-out war between the United States and the Democratic People's Republic of Korea which lasted for the next three years, and thereafter was followed by the world record of the 43-year-long touch-and-go state of armistice in the absence of any forthcoming assurance of peace.

The silence of the Yearbook of the United Nations on this point calls into question the impartiality and objectivity of the United Nations.

III. THE UNITED NATIONS AND THE "UNITED NATIONS COMMAND"

The United Nations is being abused, even today, in sustaining the cold war in the Korean peninsula. Here again, the Yearbook of the United Nations (special edition) has failed to refer to the continued existence of the "United Nations Command" in south Korea.

The "United Nations Command" is a military mechanism set up by the United States in July 1950 pursuant to the aforementioned Security Council resolution 84 (1950) to command the armed forces sent to the Korean War by the 15 United Nations Members, and the "party" that concluded the Korean Armistice Agreement

on 27 July 1953 with the Korean People's Army and the Chinese People's Volunteers, the other belligerent party.

Existing outside the United Nations, however, the "United Nations Command" has become nothing but a bogus instrument that only serves the purpose of camouflaging the real belligerent entity.

On 31 January 1951, the Security Council adopted resolution 90 (1951), deciding to delete from the agenda of the Council the item "Complaint of aggression upon the 'Republic of Korea'". The general practice of the Security Council would not allow any deletion of an item from its agenda until the Council's actions on the matter have been completed. The United Nations does not bear the expenses of the "United Nations Command", either.

On 18 November 1975, the General Assembly at its thirtieth session adopted resolution 3390 (XXX) A, expressing the hope that the discussions would be completed "in order that the United Nations Command may be dissolved on 1 January 1976 so that by that date no armed forces under the United Nations flag will remain in the South of Korea", and resolution 3390 (XXX) B, considering "that it is necessary to dissolve the 'United Nations Command' and withdraw all the foreign troops stationed in South Korea under the flag of the United Nations".

With regard to the authority over the "United Nations Command", the Secretary-General of the United Nations, in his letter of 24 June 1994 to the Minister for Foreign Affairs of the Democratic People's Republic of Korea, expressed the views that no principal organ of the United Nations, including the Secretary-General, can be the proper instance to decide on the continued existence or the dissolution of the United Nations Command. By paragraph 3 of resolution 84 (1950), the Security Council did not establish the unified command as a subsidiary organ under its control, but merely recommended the creation of such a command, specifying that it be under the authority of the United States. Therefore the dissolution of the unified command does not fall within the responsibility of any United Nations organ but is a matter within the competence of the Government of the United States.

The existence of such a "United Nations Command" today poses a legal impediment to the conversion of the current state of armistice into a durable peace to end the cold war in the Korean peninsula.

This shows that the real States parties to the Korean Armistice Agreement are both the Democratic People's Republic of Korea and the United States, even if the signatories are the Democratic People's Republic of Korea/People's Republic of China and the United Nations.

The commander of the "United Nations Command" was designated by the United States Government, while all the succeeding commanders have been exclusively United States officers. Traditionally, the commander of the "United Nations forces" has concurrently been the commander of the unified forces of the United States and the "Republic of Korea", who has the commanding authority over the entire armed forces of south Korea as well as the United States forces stationed in south Korea.

And the parties directly involved in the maintenance of the armistice mechanism have been the Democratic People's Republic of Korea and the United States as well.

Since 1958, no Members of the United Nations other than the United States have made any of their armed forces available to the "United Nations Command", whereas the Chinese People's Volunteers had previously completed their withdrawal. As revealed in the letter of the United States Government of 22 September 1975 to the Security Council, the "United Nations Command" of that time had already degenerated into a symbolic body with less than 300 staff and honour guards, playing the sole role of lending the helmets of the "United Nations forces" and the United Nations flag to the commander of the unified forces of the United States and the "Republic of Korea".

South Korea was neither a Member of the United Nations at the time nor has it been a party to the Korean Armistice Agreement. The south Korean authorities had been dead set against the cease-fire, and its military had refused even to sign the Korean Armistice Agreement. Moreover, the south Korean authorities have yet to assume the commanding authority over their own armed forces from the United States, which has assumed it since July 1950.

Either from the legal point of view or in terms of responsibility and competence, it becomes clear after all that the real party to the Korean Armistice Agreement is the United States Government, the responsibility of which, however, is being covered up by the signboard of the "United Nations Command" and the United Nations flag.

IV. THE OPTION FOR THE UNITED NATIONS

The United Nations is now becoming aware of its unsavoury past in having been misused on the question of Korea.

There would have been no such peaceful solution as noted with "satisfaction" by the Security Council on 4 November 1994 and a second Korean war would have broken out had the United Nations chosen to repeat its past by unilaterally imposing "sanctions" against the Democratic People's Republic of Korea when some elements opposed to the Democratic People's Republic of Korea on 11 May 1993 brought before the Security Council the nuclear issue on which tension had been mounting between the Democratic People's Republic of Korea and the United States.

The very fact that it was only the talks between the Democratic People's Republic of Korea and the United States that produced such a satisfactory solution to the nuclear issue on the Korean peninsula, clearly shows what choice the United Nations should make.

In order to help the United States to carry out its responsibilities and its role in ensuring peace in the Korean peninsula, the United Nations might just as well recommend the dissolution of the "United Nations Command" as it "recommended" its establishment to the United States back in 1950, or at least rescue its name and its flag from being misused by the United States. Doing so

would be the right way and a proper deed for the United Nations that may contribute to peace in the Korean peninsula.

Having put forward recently another proposal for the conclusion of an interim agreement as part of its consistent efforts towards peace on the Korean peninsula, the Democratic People's Republic of Korea is awaiting the United States response thereto.